

APPENDIX D

Public Comments on Draft

Proposed Basin Plan Amendment

2005 Basin Plan General Update With Non-regulatory Revisions

From: "Feng, Arleen" <arleen@acpwa.org>
To: "Sarah Raker" <sraker@waterboards.ca.gov>
Date: 8/31/05 12:04PM
Subject: RE: Public Notice--2005 San Francisco Bay Basin Plan General Update

Sarah,

Here are a few typographical or presentation items regarding the BP update proposals for waterbody tables and maps:

Table 2-1, in South Bay Basin: suggest deleting "de" in the name for "Arroyo las Positas", to be consistent with revised Fig 2-6 and existing usage.

Also in Santa Clara Basin: suggest using "Lake Elizabeth" to follow existing usage rather than "Elizabeth Lake"

Fig 2-10, Tables 2-2 and 2-3 for Groundwater Basins: should delete the words "Santa Clara Valley" from basin names for "Niles Cone", "East Bay Plain" and "San Mateo Plain".

Also, it would be more accurate if Tables 2-2 and 2-3 could footnote county assignments for those groundwater basins which extend over multiple counties, e.g., "East Bay Plain", "Westside" basins. This could also apply to Table 2-4 Beneficial Uses of Wetland Areas e.g. "South San Francisco Bay" wetland area.

Arleen Feng
Alameda Countywide Clean Water Program
951 Turner Court, Room 300
Hayward, CA 94545
(510) 670-5575
www.cleanwaterprogram.org

-----Original Message-----

From: Water Board [mailto:waterboard@cleanestuary.com]
Sent: Friday, August 12, 2005 2:09 PM
To: Feng, Arleen
Subject: Public Notice--2005 San Francisco Bay Basin Plan General Update

Official Notice of the California Regional Water Quality Control Board

NOTICE OF A PUBLIC HEARING

In the Matter of a Proposed Amendment to the Water Quality Control Plan for the San Francisco Bay Basin August 12, 2005

NOTICE IS HEREBY GIVEN that the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), will consider for adoption an amendment to the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The proposed amendment includes no regulatory changes and would:

1. Update the organization and format of the text;
2. Update beneficial use maps and tables, correcting printing and typographical errors;
3. Update watershed, surface water and groundwater program descriptions; and
4. Update references to relevant laws, regulations and policies that have gone into

>>> "Chris White" <cwhite@balancehydro.com> 09/25/05 5:30 PM >>>
Hi Steve,

I hope that the response below is timely enough to serve your needs.

The two typos that I noted in the revised Table 3-4 from the San Francisco Bay RWQCB on-line version of the updated Basin Plan were:

1) The listing for cadmium in Table 3-4 refers to footnote b. However, that footnote cites the CTR as the source of the objective, which would seem to be erroneous since I understand that the EPA actually rejected the proposed CTR value.

2) Table 3-4 lists the correct example values for hardness-dependent dissolved metal objectives at 100 mg/l hardness. However, the footnotes explaining how to calculate the objectives for each of these metals at different hardness levels only provide the equations for calculating total recoverable metal objectives. Each of these footnotes should either clarify the difference and also provide the relevant factors to convert total recoverable to dissolved objectives, or simply include the relevant conversion factor in the equation shown and specify that it should be used to calculate the dissolved objective.

Thank you for following up on these points.
Please contact me at your convenience if you have any questions.

Chris

Chris White, Senior Water Quality Specialist
Balance Hydrologics, Inc.
281 Nevada Street
Auburn, CA 95603
(530) 887-9988
(530) 887-9966 (fax)
(530) 401-4255 (cell)

From: "Francis, Thomas" <tfrancis@ebmud.com>
To: "Sarah Raker" <SRaker@waterboards.ca.gov>
Date: 9/20/05 5:19PM
Subject: RE: 2005 General Basin Plan Update

Sarah:

Thanks for giving us an opportunity to review the proposed edits that together form the 2005 General Basin Plan update.

The following table lists our comments. Note that other EBMUD divisions / departments may also have suggested edits or revisions. If so, they will be responding separately.

EBMUD WSID COMMENTS:

Section

Page #

Comment / Question

3.4.2

A-15

Section 3.4.2 begins with the sentence "All groundwater shall be maintained free of organic and inorganic chemical constituents that adversely affect beneficial uses or pose adverse risk to human health and the environment".

EBMUD views that the additional language "or pose adverse risk to human health and the environment" is subject to interpretation and redundant. An organic or inorganic constituent that poses such a risk would by definition adversely affect beneficial use(s) identified for groundwater. If the Board views added wording is necessary, please provide EBMUD staff comments as to why.

4.11.5

A-40

Section 4.11.5 has the following title: "East Bay Municipal Utility District (EBMUD) and Local Agencies".

There is no text that accompanies/follows this header. Hence, it appears that there is either missing text and/or that this section should not be included. Please clarify the Board's plans relative to editing and/or expanding this section.

4.25.1

A-50

A spelling error is present on this page. The current text reads "...(SCMLs), and are intenced..."

the correct word should be "intended".

4.25.5.4

A-108

A grammatical error is present on this page. The current text reads "The Water Board used the results of this study used to prohibit..."

In the second instance, the word "used" should be deleted.

6.5

A-132

Reference is made to an East Bay Plain monitoring network managed by EBMUD.

At present, there is no such network managed by our District, hence we suggest removing that statement from the 2005 Basin Update.

Note that EBMUD has plans to install a monitoring system as a component of the District's plans for our proposed Bayside Groundwater Project (which will be located in the East Bay Plain). Construction of the Bayside project, including monitoring system installation, is anticipated to begin in 2006.

Should you have any questions regarding the comments as listed above, please do not hesitate to contact me.

Regards,

Tom Francis, P.E.

Associate Civil Engineer

Water Supply Improvements Div.

East Bay Municipal Utility District

1-510-287-1303

-----Original Message-----

From: Sarah Raker [mailto:SRaker@waterboards.ca.gov]

Sent: Tuesday, August 16, 2005 10:34 AM

To: Sarah Raker

Subject: 2005 General Basin Plan Update

Hi friends and colleagues - The 2005 General Basin Plan Update is out for public comment and your comments will be greatly appreciated! Please see the new and improved Groundwater Protection discussion. You are welcome to send your comments via email. Thanks! Sarah

<http://www.waterboards.ca.gov/sanfranciscobay/basinplan.htm>

NOTICE IS HEREBY GIVEN that the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), will consider for adoption an amendment to the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The proposed amendment includes no regulatory changes and would:

1. Update the organization and format of the text;
2. Update beneficial use maps and tables, correcting printing and typographical errors;
3. Update watershed, surface water and groundwater program descriptions; and
4. Update references to relevant laws, regulations and policies that have gone into effect since the last general update in 1995.

Because this Basin Plan Amendment consists of only editorial changes, updates and corrections, it is not a "project" under the California Environmental Quality Act Guidelines Section 15378 because it has no potential for any direct or indirect physical change in the environment.

The 45-day public comment period for the proposed amendment expires on September 26, 2005. All written comments on the proposed amendment are due by this date to the staff contact above. Additionally, all evidence, testimony and exhibits to be offered at the October hearing Wednesday, October 19, 2005.

Sarah L. Raker, PG, CHG

Engineering Geologist

Planning Division

San Francisco Bay Water Board

1515 Clay Street, Suite 1400

Oakland, California 94612

510-622-2377/FAX 510-622-2458

sraker@waterboards.ca.gov

CC: "Tognolini, Mike" <mtognoli@ebmud.com>, "Minn, Kenneth" <kminn@ebmud.com>

From: "Trish Mulvey" <mulvey@ix.netcom.com>
To: "Christopher Richard" <cr@museumca.org>, "Sarah Raker" <SRaker@waterboards.ca.gov>, "Jeff Kapellas" <JKapellas@waterboards.ca.gov>
Date: 9/25/05 12:29PM
Subject: Basin Plan update

attached are my Basin Plan update comments. this is an incredible effort, and i do appreciate the time and energy that is going into this product.
trish

CC: <nelia@squinch.com>, <csommers@eoainc.com>, "Paul Randall" <prandall@eoainc.com>, <Ken.Davies@sanjoseca.gov>, <robin@sfei.org>, <Valiela.Luisa@epamail.epa.gov>, "Jill Bernhard" <JBernhard@valleywater.org>, "Alicia Torregrosa" <atorregrosa@usgs.gov>, "Kristy McCumby" <KMcCumby@ci.sunnyvale.ca.us>

BASIN PLAN General Update, 8/12/05 version
Comments from Trish Mulvey
527 Rhodes Drive, Palo Alto, CA 94303
650.326.0252 or mulvey@ix.netcom.com

Numbers are for reference. Please let me know if you have questions or need additional information.

TABLE 2-1

1. County should be a column, NOT a row
2. The "Tributary Rule" makes NO sense unless waterbodies and tributaries are grouped by watershed with a hierarchy of indents like the existing Basin Plan
3. Santa Clara Basin – Alameda County – Please add Laguna Creek (Arroyo La Laguna on back of Oakland Museum Creek & Watershed maps for Alameda Co.) Consider changing name from Elizabeth Lake to Lake Elizabeth. Fremont Lagoon is in Alameda County, not Santa Clara County
4. Santa Clara Basin – San Mateo & Santa Clara Co. West Union Creek is a tributary to Bear Creek (which is formed at the confluence of West Union Creek with Bear Gulch). San Francisquito is formed at the confluence of Corte Madera Creek and Bear Creek just downstream of Searsville Dam.
5. Santa Clara Basin – Santa Clara County. Need to resolve if the stream segment below the confluence of Saratoga and San Tomas Aquino is called "Saratoga" or "San Tomas Aquino" and clarify tributary rule status for San Tomas Aquino.
6. Santa Clara Basin – Santa Clara County. Please add Adobe Creek and Barron Creek and add Sunnyvale East and West Channels – otherwise there are two watershed areas on Figure 2-7 without waterbodies.
7. Is it possible to insert a page break on pages 7 and 8 so the Santa Clara Basin isn't started on those pages and then continued later? This is way too jumbled.

TABLES 2-2 and 2-3 and Figure 2-10 Ground Water Basins

1. Tables should be consistent and both list Santa Clara Valley (& Coyote)
2. Why does the Figure 2-10 legend include Santa Clara Valley with East Bay Plain (2-9.04)? 2-9.02 should include both Santa Clara Valley (& Coyote)

FIGURE 2-7

1. In general the new figures are gorgeous and a great addition to the document. However, many readers will also need a black and white version for reproduction. Yellow is hard to see for watershed delineations (maybe dotted black lines)
2. Waterbodies named in Table 2-1 should be found on the Figures

From: "Christopher Richard" <cr@museumca.org>
To: "Sarah Raker" <SRaker@waterboards.ca.gov>, "Jeff Kapellas" <JKapellas@waterboards.ca.gov>
Date: 9/20/05 3:14PM
Subject: RE: New Figures in the Basin Plan

Hi Jeff,

Here's my thoughts on the basin-plan maps:

1. Do you really mean to exclude the Ettie Street Pump Station watershed from the Central Bay, and include it in South Bay? It does discharge north of the Bay Bridge. I also still think that Oakland Outer Harbor ought to be in Central, not South, but I may well have lost that battle.
2. I'm interested in your determination of the lobe of Central Bay running south from the Presidio towards (including?) Twin Peaks. Is that topographic, GW basin, or infrastructural? The Lettis crew is just getting serious on compiling SF data.
3. Regarding the South-Bay Basin, GNIS uses "Arroyo Valle" not "Arroyo del Valle" (despite the name of the reservoir).
4. Trish recommends that you reorganize the beneficial-uses tables by watershed so that adherence to the Tributary Rule is facilitated.
5. You and I agree that the watershed in question ought to be called "Saratoga Creek," but the rest of the world is lined up against us, calling it "San Tomas Aquino Creek Watershed." (On my website, I've taken to calling it "Guadalupe Slough Watershed.") Whatever it's called, your map shows San Tomas Aquino Creek crossing the boundary between the Guadalupe River and Saratoga Creek watersheds – a no-no?
6. Shouldn't the Central/San Pablo red boundary line be run down the spine of Point San Pablo, not around the edge of the marsh?

That's it for a quick eyeball....

Cheers,
Christopher

CC: <nelia@squinch.com>, "Trish Mulvey" <mulvey@ix.netcom.com>

From: Josh Collins <josh@sfei.org>
To: <sraker@waterboards.ca.gov>
Date: 9/14/05 11:38AM
Subject: Fwd: Basin Plan Amendments

Hi Sarah

Here are suggested changes or comments to the Basin Plan, as encouraged by Andree. I greatly appreciate this opportunity to provide input.

1. Please mention CRAM as an assessment method, along with WEA, for ambient wetland assesssment and for assessing wetland projects (www.wrmp.org/cram.html).
2. please mention wetlands as an element that should be considered by the SWAMP program along with streams (in Chapter 6); and mention the Wetland Tracker as a tool for managing SWAMP data for wetland sites, and for tracking net change in wetland extent and quality consistent with the State Wetlands Conservation Policy (both CRAM and Tracker are named in the draft SWAMP Strategy);
3. Please mention the EPA "Application of Elements of a State Water Monitoring and Assessment Program for Wetlands" dated November 2005. A copy is attached - the document is public now, although it won't show up on EPA's web site until after November. The SWAMP Strategy is being adjusted to accommodate this document.
4. Please update the USFWS reference to the classification system of wetlands (Corwardin 1979) used in the National Wetland Inventory (NWI) and the State Wetland Inventory: http://www.nwi.fws.gov/Pubs_Reports/Class_Manual/class_titlepg.htm
5. Please retain existing references to the regional wetlands management plan. The MOU among agencies still exists and headway is being made through the South Bay and North Bay salt pond restoration projects and the Integrated Regional Water Management Plan toward coordinated monitoring and data management. This would be a bad time, just when the concept of an RWMP starts to get traction, to abandon it.

Thanks again for this opportunity to provide input.

- Josh Collins

CC: "Andree Breaux" <abreaux@waterboards.ca.gov>



SAN FRANCISCO PUBLIC UTILITIES COMMISSION
OFFICE OF THE ASSISTANT GENERAL MANAGER – WATER ENTERPRISE

1155 Market Street, 11th Floor, San Francisco, CA 94103 • Tel. (415) 934-5787 • Fax (415) 934-5751

Via Fax: 510-622-2377



September 26, 2005

SEP 29 2005

Mr. Steven Moore
Planning Section Leader
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612

Subject: Comments to the Draft Proposed Basin Plan Amendment and Staff Report, 2005 Basin Plan General Update, August 12, 2005

Dear Mr. Moore,

The San Francisco Public Utilities Commission (SFPUC), has reviewed and prepared comments to the San Francisco Bay Region Draft Proposed Basin Plan Amendment and Staff Report, 2005 Basin Plan General Update, dated August 12, 2005. In general, the SFPUC commends the Water Board on the editorial changes, updates and corrections, which make the Basin Plan a much easier to use document. Our understanding of the comments you are seeking as stated on page two:

"...Please note that is proposed 2005 Basin Plan General Update does not contain any proposed changes in regulations or surface water quality objectives. Rather, it contains information, corrections, and general information that do not require scientific peer review, nor approval by the Office of Administrative Law or U.S. EPA. Because this Basin Plan Amendment consists of only editorial changes, updates and corrections, it is not a 'project' under the California Environmental Quality Act Title 14, California Code of regulations, Section 15378 because it has no potential for any direct or indirect physical change in the environment."

The SFPUC has several comments that are listed below:

Comments on the proposed Basin Plan Amendments related to Pretreatment and Pollution Prevention. We are strongly opposed to the new, substantive regulatory language in Section 4.13 titled, "Pretreatment and Pollution Prevention." We have serious questions and concerns about the new requirements specified in this section, especially because they are in direct conflict with the collaborative work that has been performed by the Bay Area Clean Water Agencies (BACWA), and the Regional Water Board staff based on Water Board Order No. R2-2003-0096.

In the above referenced resolution that comprises Order No. R2-2003-0096, the Regional Water Board expressed its desire to “encourage Bay Area POTWs to continue in their roles of P2 leadership, creativity and excellence and to recognize their successes,” but such prescriptive conditions placed on pollution prevention programs, as contained in the draft general update of the Basin Plan, will result in the opposite effect – it will limit the creativity of communities, because it leaves no room for doing innovative programs (all the resources would be spent on the new, yet ordinary and sometimes not useful, required elements). It is precisely because of the creativity and initiative that the pollution prevention programs of San Francisco and other Bay Area wastewater utilities are the very best in the country, having won many awards to prove it, and we are proud of that fact.

In addition, another resolution tenet was to “provide flexibility to develop P2 programs that reflect regional and service differences and current and historic pollution prevention efforts,” however such prescriptive language as contained in the draft general update of the Basin Plan is contrary to this intent, again because of the prescriptive nature of the language.

Comments on the proposed Basin Plan Amendments related to Groundwater Basin Outlines and Beneficial Use Designations. We have several concerns regarding updates to Table 2-3 “Existing and Potential Beneficial Uses of Groundwater in Identified Basins.” The intent of the updates appears to be motivated to make the groundwater basin outlines consistent with those shown in the new DWR Bulletin 118 (2004). However, several of the updates incorrectly apply the incorrect historic groundwater basin beneficial use designations to the new basin outlines. The attached map shows the 1995 Basin Plan outlines compared to the DWR Bulletin 118 (2004) outlines. Note that the DWR 118 (2004) outlines are based on the USGS (1993) report as updated by Water Board staffs “Comprehensive Groundwater Protection Evaluation for the South San Francisco Bay Basins (2003).”

For example, in the updated Table 2-3, the Merced Valley South is replaced with the San Francisco South Basin. This is an obvious error as the San Francisco South Basin was previously part of the Islais Basin and DWR split the former Islais Valley into the South and Islais Basins. The Merced Valley (South) should actually be part of the Westside Groundwater Basin. The confusion of the basins listed above results in the Westside Groundwater Basin having a “potential” MUN designation, when in fact it is an “existing” MUN beneficial use for 200,000 residents in San Mateo County. On the other hand, the newly defined Downtown Basin is shown to have an Existing MUN beneficial use when in reality there is no existing MUN beneficial use in the Downtown Basin.

We recommend that Table 2-3 be revised to be consistent with DWR Bulletin 118 (2004) the underlying USGS (1993) report, and the 2003 Water Board staff report.

Comments on the proposed Basin Plan Amendments specifically related to Beneficial Use Designations for Lake Merced. The document includes water contact recreation and fish spawning habitat as beneficial uses at Lake Merced which need to be clarified.

Water Contact Recreation [i.e. swimming] is not just discouraged at Lake Merced but is specifically not allowed. There are no designated beaches or other areas where swimming occurs. The problem exists in the SF Basin Plan definition of Water Contact Recreation Rec 1 [Chap 2 pg 2-3] which erroneously includes fishing as a covered activity. The Rec 1 definition is "Uses of water for recreational activities involving water contact and where ingestion of water is reasonably possible" and "implies a risk of waterborne disease transmission affecting human health". Clearly fishing should not be included under this beneficial use. If left in as it is now defined, this covered activity would limit treated storm water diversions to the lake as they may not meet water contact bacteria limits. It may also require increased bacteria monitoring along the shoreline, signs to be posted when criteria are not met, websites updated etc. These activities would do little to protect public health and only further restrict our ability to raise the lake level. This activity should be covered under Rec 2 Noncontract Water Recreation [Chap 2 pg 2-4] defined as "Uses of water for recreational activities involving proximity to water but not normally involving water contact where ingestion of water is possible". Under this definition different bacteria limits would apply and the storm water project would not be affected.

Fish spawning habitat exists at Lake Merced but this should not be misinterpreted to mean that rainbow trout spawning habitat is present. These valued sport fish are planted to support an urban lake "put and take" fishery for residents. The requisite stream flow characteristics necessary to support a reproducing population of rainbow trout simply do not exist at this site. Spawning habitat for other resident fish in the lake [minnows and sunfish etc.] is plentiful and these fish are able to sustain themselves in the lake without planting.

Thank you for an opportunity to provide these comments. If you have any questions, please call Greg Bartow at (415) 934-5724.

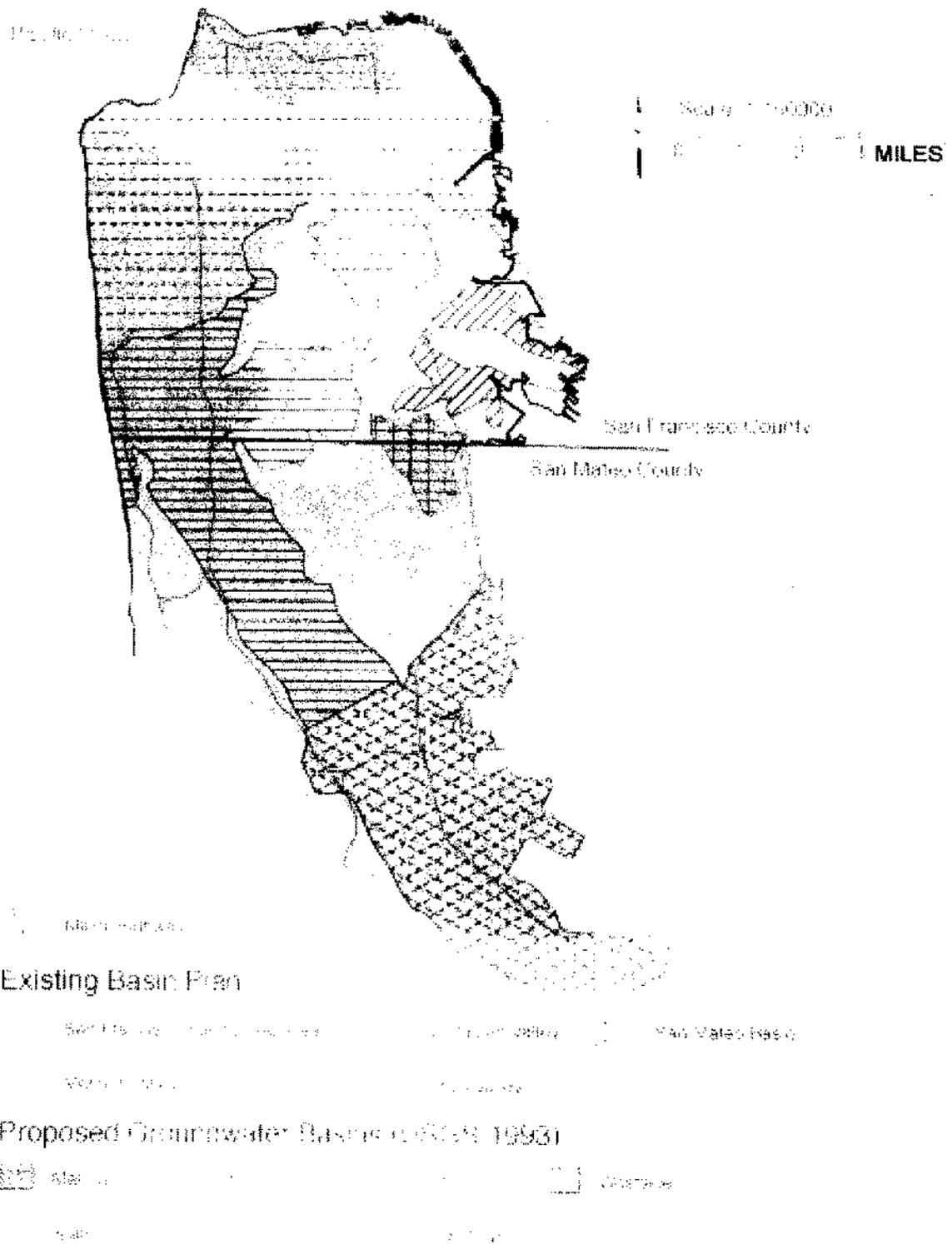
Sincerely,



Michael P. Carlin
Assistant General Manager - Water

Attachment: Correlation between 1995 Basin Plan and USGS (1993).

cc: Greg Bartow
Bill Keaney
Robert Hickman
John Roddy
Jim Salerno



San Francisco Area Groundwater Basins

Source: CULM 900 USGS

Maps: Dazire, M. City San Francisco Groundwater

SFRW003
January 1996

Figure 3. Correlation Between Basins shown in Basin Plan and in USGS Reports.



WATERSHED
MANAGEMENT INITIATIVE

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PHONE: (408) 382-8826 FAX: (408) 382-8888
HTTP://WWW.SCBW.MILD.ORG

SEP 28 2005
SD

WMI SIGNATORIES

September 26, 2005

PUBLIC AGENCIES

- CA Department of Fish & Game
- City of Cupertino
- City of Palo Alto
- City of San Jose
- City of Santa Clara
- City of Sunnyvale
- Guadalupe-Coyote Resource Conservation District
- San Francisco Bay Regional Water Quality Control Board
- San Francisquito Creek Joint Powers Authority
- Santa Clara County
- Santa Clara County Open Space Authority
- Santa Clara Valley Transportation Authority
- Santa Clara Valley Urban Runoff Pollution Prevention Program
- Santa Clara Valley Water District
- US Army Corps of Engineers
- US Environmental Protection Agency
- USDA Natural Resource Conservation Service

San Francisco Bay Regional Water Quality Control Board
1515 Clay St.
Oakland, CA 94612
ATTN: Sarah Raker

BUSINESS/TRADE ASSOCIATIONS

- California Restaurant Association/Dairy Belle Freeze
- Home Builders Association of Northern California
- San Jose Silicon Valley Chamber of Commerce
- Santa Clara Cattlemen's Association
- Santa Clara County Farm Bureau
- Silicon Valley Leadership Group

Dear Ms. Raker

Per your solicitation, please find attached revised language for the Basin Plan Update, regarding the Santa Clara Basin Watershed Management Initiative.

If you have any questions, please do not hesitate to call me at (408) 382-8826.

ENVIRONMENTAL AND CIVIC GROUPS

- CLEAN South Bay
- Greenbelt Alliance
- Leagues of Women Voters of Santa Clara County
- Salmon and Steelhead Restoration Group
- San Francisco Bay Bird Observatory
- San Francisquito Watershed Council
- Santa Clara Valley Audubon Society
- Sierra Club Loma Prieta Chapter
- Silicon Valley Pollution Prevention Center
- Silicon Valley Toxics Coalition
- Stevens and Permanente Creeks Watershed Council
- Western Waters Canoe Club

Thank you,

Ken Davies
Project Coordinator
Santa Clara Basin Watershed Management Initiative

THE SANTA CLARA BASIN WATERSHED MANAGEMENT INITIATIVE

In 1996, the Water Board and U.S. Environmental Protection Agency (EPA) initiated a broad stakeholder effort to encourage local stewardship in the Santa Clara basin as part of the statewide WMI. The Santa Clara Basin is defined as the San Francisco Bay south of the Dumbarton Bridge and the watersheds draining to that segment of the Bay. The WMI of Santa Clara Basin is a broad-based stakeholder group of 32 signatories from local, state and federal public agencies, business and trade associations, and civic and environmental groups and programs. The declared purpose of this WMI¹ is “to develop and implement a comprehensive watershed management program – one that recognizes that healthy watersheds mean addressing water quality problems and quality of life issues for the people, animals and plants that live in the watershed.”

In its early years, this WMI established a mission statement, goals, planning objectives for development of a watershed action plan, implementation objectives, completed a watershed characteristics report, and a framework for conducting a watershed assessment. To date, the most outstanding successes of this WMI have been in sustaining organizational continuity, providing a forum for stakeholder input on regulatory actions, and producing a variety of outreach materials for the general public to assist in natural resource protection. More recently, this WMI has continued to develop its foundation by producing watershed assessments (2002) and a watershed action plan (2003), and, at its August 2005 planning retreat, the following priorities for the next 1-2 years:

1. Conduct education and outreach to planning officials and decision makers.
2. Develop citizen participation in watershed stewardship.
3. Continue the development of watershed health indicators.
4. Pursue on the ground stream enhancement, preservation and restoration opportunities.
5. Foster information sharing among those involved in modifying and implementing local ordinances, guidelines, and standards.

¹Signatory document of the SCB WMI (2003)

September 20, 2005

SEP 26 2005

Ms. Sarah Raker
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612

Subject: Comments on Proposed Amendments to the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan)

Dear Ms. Raker:

The Santa Clara Valley Water District (District) is pleased to have had the opportunity to review and comment on the proposed Basin Plan Amendment dated August 12, 2005. The District has the following comments:

1. The District is concerned that most of the information on shallow drainage wells, including the background, goals, and management aspects of the program, has been eliminated. Also, the definition of a shallow drainage well is no longer clear as the following sentence on page A-110 has been deleted: "Therefore, all shallow drainage wells (also known as dry wells, infiltration basins, and shallow injection wells) used for the purpose of disposing of stormwater or surface runoff is covered under this definition."

Page A-109 of the Basin Plan Amendment describes a Water Board resolution stating disapproval of the construction and use of wells for the disposal of effluent from septic tanks and surface runoff. The page also states that no new installations were to be permitted. It is unclear if this conflicts with the proposed State Water Board regulation of Subchapter 7 Onsite Wastewater Treatment Systems (CCR, Title 27, Title 27, Division 2, Subdivision 1, Chapter 7) which allows seepage pits to be used for disposal of septic tank effluent. Please clarify if seepage pits are considered shallow drainage wells.

2. In Section 3.4, a sentence was added that reads: "For groundwater that discharges to surface water, groundwater must comply with surface water quality objectives for the water body receiving the groundwater discharge." Please clarify that this groundwater discharge does not apply to naturally occurring groundwater seepage.
3. Table 2-1 does not list all of the beneficial uses of the water bodies in Santa Clara County. For example, the table does not identify groundwater recharge (GWR) as a beneficial use for Guadalupe Creek. The District will provide updated information upon request.
4. In Table 2-2, Groundwater Basin Characteristics, please clarify that Coyote is part of the Santa Clara Valley Basin (Basin 2-9.02) as defined by DWR by adding "includes Coyote"

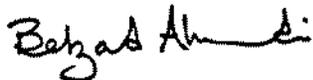
Ms. Sarah Raker
Page 2
September 20, 2005

or an explanatory footnote. District terminology is slightly different than that of DWR in that we refer to the Santa Clara Valley Subbasin and the Coyote Subbasin separately. This clarification will help local residents familiar with District terminology better understand the areas being discussed.

5. Please update Table 4-16 to reflect that the County of Santa Clara, Department of Environmental Health Local Oversight Program (LOP) has replaced the District as the LOP.
6. The saltwater intrusion section on A-118 states "In Santa Clara County, land subsidence has caused the lower reaches of streams and rivers to be invaded by saline tidal waters, increasing salinity in shallow groundwater." Please clarify that this was caused by historical subsidence, not an ongoing condition.
7. Finally, the District is concerned that the Basin Plan Amendment contains little acknowledgement of the role of local agencies in groundwater protection efforts. The District and other Bay Area groundwater management agencies recognize the importance of local groundwater resources, and have implemented numerous programs to ensure the long-term viability of groundwater resources.

Please feel free to contact me at (408) 265-2607, extension 2324 to discuss any of these comments.

Sincerely,



Behzad Ahmadi, P.E.
Groundwater Management Unit Manager
Santa Clara Valley Water District

cc: M. Richardson, B. Judd, G. Cook, R. Piemo, Y. Liu, V. Reymers



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

California Regional Water Quality Control Board
San Francisco Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

RE: Draft Proposed Basin Plan Amendment, 2005 Basin Plan General Update

Dear Ms. Raker:

Thank you for the opportunity to comment on the Proposed Basin Plan Amendment. EPA understands that these are meant to be only editorial changes with no regulatory consequences. Table 2-1 does include use changes, most of which are upgrades to higher uses. The exception is Pomponio Creek, which is changed from existing REC-1 use to potential REC-1 use. However, as explained in the "Source of Error" column, all of these changes are to correct transcription errors, and make the designation notations consistent with the 1975 Plan. It is our understanding that any of these use designations determined to be inappropriate will be proposed for modification in the next set of Basin Plan amendments.

We have the following comments on the current Draft Amendment. As noted below, EPA has, in reviewing these revisions, become aware of a number of changes incorporated into the recent version of the Basin Plan that need to be clarified or corrected. We suggest these also be included in the Draft Amendment as editorial changes.

1. It is unclear which of the various Statewide policies and regulations are now incorporated by reference. It appears that the language incorporating them has been deleted (e.g. see P. A-13, under 3.3.10 Radioactivity), and there remains only a set of descriptions in Chapter 4. Per a recent conversation between Ms. Raker and Susan Hatfield of my staff, it is our understanding that this was an inadvertent editorial change, and is being corrected.

2. The sentence contained in footnote h in Table 3-3 and footnote k in Table 3-4 for mercury states "The CTR human health criteria for mercury are also legally applicable to all waters of the San Francisco Bay Region." EPA did not promulgate the CTR human health criteria for mercury for those waters that already had more stringent federally-approved mercury criteria in place, such as portions of San Francisco Bay north of Dumbarton Bridge. See 40 CFR 131.38(b)(1) (table) footnote b. EPA requests that these footnotes in Tables 3-3 and 3-4 be clarified to reflect our footnote in the CTR.
3. EPA also noticed that the current version of Table 3-3 at <http://www.waterboards.ca.gov/sanfranciscobay/basinplan.htm> appears to contain an error with respect to the 1-hr average value for lead. The current table indicates the value to be 220 ug/l; however, the Basin Plan amendment that came to us for approval contained the value of 210 ug/l, the CTR value, which is the value we approved.

EPA appreciates this major effort to update the Basin Plan. If you have any questions about the above comments, please call Susan Hatfield of my staff at 415-792-3520.

Sincerely,

Douglas E. Eberhardt, Chief
CWA Standards and Permits Office